

Patent
111792-005.UTL
(Formerly VMATRIX.002A)

REMARKS

Claims 1-19 are pending in the application and are presented for reconsideration and further examination in view of the foregoing amendments and the following remarks. By the foregoing amendments, claims 1, 5 and 7 have been amended and new claim 20 has been added.

In the outstanding Office Action, claims 1-19 were rejected under 35 U.S.C. section 102(b) as being anticipated by Gallacher (U.S. Patent No. 5, 661,283). Applicant respectfully submits that all of the pending claims are patentable over Gallacher. Gallacher does not anticipate the pending claims. Though the following remarks are directed primarily to independent claims 1 and 7, they apply with equal force to each of the rejected claims.

Gallacher describes a system which equips automated teller machines with a limited telephone or video conferencing capability. A customer can request assistance by pressing an assistance request switch (column 4, lines 9-11) or by lifting a telephone handset from a cradle equipped with a detector (column 4, lines 14-16). The system of Gallacher can determine the stage and type of transaction in which the customer is engaged when they request assistance. (Column 4, lines 24-29). In response to the request for assistance, the system selects a telephone number from a table which associates a telephone number with each stage of the transaction. (Column 4, lines 34-39). Each telephone number corresponds to a particular videoconferencing station staffed by a person having expertise with that stage of the transaction. (column 4, lines 43-51). The overall description of Gallacher is directed to a system wherein customers needing assistance at an ATM are automatically connected to a bank employee with expertise in the type of transaction in which the customer is engaged. (See, Abstract).

Applicant's presently claimed invention is directed to a system and method which allows clients to interactively select consultants and to engage in secure communications with those consultants. Gallacher does not teach or suggest such a system or method.

Patent
111792-005.UTL
(Formerly VMATRIX.002A)

For example, claim 7 is directed to a system which includes a certificate module configured to provide a digital certificate having a public key and a private key to the client once the client contacts with at least one Web module. The digital certificate allows for authentication and encryption. In addition, the presently claimed consultation module is configured to provide a real-time secure video communication environment utilizing the public key and private key for encryption.

Claim 1 similarly describes a method including providing one more encryption keys to the client. Then, a real-time secure video consultation environment is provided which has encryption which utilizes the one or more encryption keys. The client and the consultant can then communicate in the secure video consultation environment.

Gallacher does not teach or suggest a system with such a certificate module or which uses one or more encryption keys as set forth in the amended claims. Gallacher merely describes a user of an automated teller machine being automatically connected via a telephone line to a predetermined telephone station or videoconferencing station. No digital certificate module or encryption key is described or suggested by Gallacher. Gallacher also does not teach or suggest a secure video consultation environment which includes encryption utilizing an encryption key. Of course, Gallacher would have no need for such a module because Gallacher merely places an automatic telephone call.

In addition, the systems and methods claimed in the present application, for example as in claim 7, include a liability limitation module which provides a liability limiting agreement to the client and records the acceptance of the agreement by the client. Gallacher does not teach or suggest such a liability limitation module. Gallacher provides no description of recording an acceptance of any agreement by the client. Claim 1 includes a similar limitation.

The pending claims also include the element of providing a list of consultants to the client from which the client selects a consultant of choice. For example, claim 7 states: "A consultant database module configured to provide a list of consultants to the

Patent
111792-005.UTL
(Formerly VMATRIX.002A)

client, from which the client selects a consultant of choice . . ." The description in Gallacher is quite clear that a customer does not select a consultant. In Gallacher, the system automatically selects a telephone number from a table stored in the memory of the PC. The telephone number is selected based upon the stage of the transaction. (Gallacher, column 4, lines 34-42). That is directly contrary to Applicant's invention which is designed to allow a client to select a consultant. In various aspects of the invention, the client is able to review resumes, references and work samples to aid in the selection of a consultant. Gallacher does not teach or suggest a system with such capabilities.

Clearly, Gallacher does not anticipate the presently claimed invention. Gallacher does not teach or describe many of the claimed elements of the invention, including the three examples provided above. Applicant requests that the rejections under section 102 be withdrawn.


CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that all of the claims are conditioned for allowance. The Examiner is respectfully urged to contact the undersigned by telephone if such contact will expedite the examination and allowance of the application.

Respectfully submitted,

Dated: _____

7/20/05



Richard E. Campbell
Reg. No. 34,790

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
530 B Street, Suite 2100
San Diego, CA 92101-4469
Phone: (619) 238-1900
Fax: (619) 235-0398